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In re application of :
Naokazu Takeda et al. :
Serial No. : 09/926,799 : **DECISION ON PETITION**
Filed : December 20, 20001 :
Attorney Docket No.: 217039US0XPCT :

This is in response to applicants' petition, filed October 2, 2003 under 37 CFR 1.144, requesting withdrawal of the restriction requirement set forth by the examiner.

BACKGROUND

Review of the file history shows that the examiner mailed a restriction (lack of unity) requirement under 35 U.S.C. 121 and 372 on January 27, 2003. The restriction requirement divided the claims into 15 groups. On February 22 applicants filed a response and preliminary amendment. Applicants elected Group I, but traversed the restriction requirement on the grounds that the claims as amended required all of the antibodies recited in Groups I-XI. On July 2, 2003 the examiner mailed an office action (non-final rejection) wherein the restriction requirement was made final.

DISCUSSION

On further consideration the examiner has agreed to recombine Groups I-XI. Applicants have not argued that the restriction between this invention and the inventions of Groups XII-XV is improper. Therefore, the restriction requirement is maintained with regard to those groups.

DECISION

Applicant's petition is **GRANTED** in part for the reasons set forth above.

The Office action of July 2, 2003 is **VACATED**. The application will be forwarded to the examiner for examination of Groups I-XI.

Any request for reconsideration or review of this decision must be made by a renewed petition and must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

Should there be any questions with regard to this letter please contact Bruce Campell by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA, 22313-1450, or by telephone at (703) 308-4205 or by facsimile transmission at (703) 746-5006.

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